

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAREN LUISE,	)	
	)	Civil Action
Plaintiff	)	No. 13-cv-02626
	)	
vs.	)	
	)	
COLONIAL INTERMEDIATE UNIT 20	)	
and DR. CHARLENE M. BRENNAN,	)	
	)	
Defendants	)	

**FILED**

**MAR 21 2014**

**MICHAEL E. KUNE**  
By \_\_\_\_\_

O R D E R

NOW, this 21<sup>st</sup> day of March, 2014 upon consideration of  
the following documents:

- (1) Defendant[s'] 12(b)(1) and 12(b)(6) Motion to Dismiss Plaintiff's [Second] Amended Complaint, which motion was filed on September 24, 2013 ("Motion to Dismiss"), together with
  - (A) Defendants' Brief In Support of Motion to Dismiss Plaintiff's [Second] Amended Complaint Pursuant to 12(b)(1) and 12(b)(6); and
- (1) Exhibits 1 through 3 to Defendants' Brief;
- (2) Plaintiff's Answer to Defendants' Motion to Dismiss [Plaintiff's Second] Amended Complaint, which answer was filed on October 9, 2013, together with
  - (A) Plaintiff's Memorandum of Law in Opposition to Defendant[s'] Motion to Dismiss Plaintiff's [Second] Amended Complaint Pursuant to 12(b)(1) and 12(b)(6);
- (3) Second Amended Complaint filed September 11, 2013; and
- (4) Defendants' Reply Brief Filed October 30, 2013;

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that defendants' Motion to Dismiss is granted in part and denied in part.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is granted to the extent that it seeks to have Count II of the Second Amended Complaint dismissed for failure to state a claim.

IT IS FURTHER ORDERED that Count II of the Second Amended Complaint is dismissed with prejudice and defendant Colonial Intermediate Unit 20 is dismissed as a party to this action.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is denied to the extent that it seeks to have Count II of the Second Amended Complaint dismissed for failure to exhaust administrative remedies.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is granted to the extent that it seeks to have this court decline to exercise supplemental jurisdiction over plaintiff's state-law claim in Count I of the Second Amended Complaint.

IT IS FURTHER ORDERED that this matter is remanded to the Court of Common Pleas of Northampton County, Pennsylvania for disposition of Count I of the Second Amended Complaint.

IT IS FUTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER  
James Knoll Gardner  
United States District Judge